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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,855	09/25/2003	Edward Draper	83456.0007.US	3955
	7590 06/15/200 DHNSON - EXPLORA	EXAMINER		
2121 AVENUE	OF THE STARS, SU	HOFFMAN, MARY C		
LOS ANGELES, CA 90067			ART UNIT	PAPER NUMBER
			3733	
			NOTIFICATION DATE	DELIVERY MODE
			06/15/2009	ELECTRONIC

# Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JHANLEY@STEPTOE.COM KTUSZYNSKI@STEPTOE.COM KSTOWE@STEPTOE.COM

		Applicat	on No.	Applicant(s)			
		10/675,8	55	DRAPER, EDWARD			
Office Action Summary			r	Art Unit			
		MARY H	OFFMAN	3733			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS,							
WHIC - Exter after - If NC - Failu Any r	CHEVER IS LONGER, FROM THE M isions of time may be available under the provisions SIX (6) MONTHS from the mailing date of this comm period for reply is specified above, the maximum state to reply within the set or extended period for reply eply received by the Office later than three months and patent term adjustment. See 37 CFR 1.704(b).	AILING DATE OF T of 37 CFR 1.136(a). In no enunication. atutory period will apply and will, by statute, cause the ap	HIS COMMUNICATION went, however, may a reply be tin will expire SIX (6) MONTHS from plication to become ABANDONE	N. mely filed the mailing date of this communication. ED (35 U.S.C. § 133).			
Status							
1) 又	Responsive to communication(s) file	d on <i>04 March 200</i> 9	).				
	This action is <b>FINAL</b> . 2b)⊠ This action is non-final.						
3)□	Since this application is in condition	for allowance excep	t for formal matters, pro	osecution as to the merits is			
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
		5-39 is/are pending	in the application				
-	4)⊠ Claim(s) <u>1-7,9,15,16,18-20,24 and 35-39</u> is/are pending in the application.  4a) Of the above claim(s) <u>21</u> is/are withdrawn from consideration.						
	5) Claim(s) is/are allowed.						
	6)⊠ Claim(s) <u>1-7,9,15,16,18-20,24 and 35-39</u> is/are rejected.						
·	7) Claim(s) is/are objected to.						
	Claim(s) are subject to restric	tion and/or election	requirement.				
	on Papers						
	•						
·—	The specification is objected to by the			I to be the East See			
10)[2]	The drawing(s) filed on <u>25 October 2</u>	<del></del>	· · · ·	·			
	Applicant may not request that any object	- , ,		, ,			
111	Replacement drawing sheet(s) including The oath or declaration is objected to	•	= , ,				
11/1	The ball of declaration is objected to	by the Examiner. N	ole the attached Office	ACTION OF TOTAL			
Priority ι	ınder 35 U.S.C. § 119						
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a)	☑ All b)☐ Some * c)☐ None of:						
	1. ☐ Certified copies of the priority	documents have be	en received.				
	2. Certified copies of the priority	documents have be	en received in Applicati	íon No			
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachmen	t(s)						
1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date  Notice of Informal Patent Application							
Paper No(s)/Mail Date <u>see Other.</u> 6) Other:							
<u>01/16/2009,01/16/2009,01/16/2009,01/16/2009,01/16/2009,01/16/2009,01/16/2009,01/16/2009,01/16/2009,01/16/2009</u> .							

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# **DETAILED ACTION**

It is noted that claim 21 has an improper claim status identifier, and should be labeled as"(withdrawn)".

#### Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/09/2008 has been entered.

# Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The term "in-line" recited in claim 37 is not supported by the specification. The term "non-sliding" recited in claim 37 is not supported by the specification.

# Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 38 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim recites that the pivots are non-sliding, and points to FIGS. 1 and 2 for support. It is noted that the term "non-sliding" can be interpreted very broadly, and that the word sliding merely refers to motion that is smooth and continuous. Because the term "non-sliding" is not defined in the specification and the word "sliding" can be interpreted broadly, the recitation in claim 38 is being considered new matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7,9,15,16,18-20, 24 and 35-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "relatively full mobility" in claim 1 is a relative term which renders the claim indefinite. The term " relatively full mobility " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Applicant indicated in the remarks, page, 6, that support for this limitation

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was found in paragraph [0019] of the U.S. Publication; however, this paragraph does not appear to clarify this claim limitation.

# Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY HOFFMAN whose telephone number is (571)272-5566. The examiner can normally be reached on Monday-Thursday 10:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo C. Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mary C. Hoffman/ Examiner, Art Unit 3733

/Eduardo C. Robert/

Supervisory Patent Examiner, Art Unit 3733